

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 STEPHEN VAN INWEGEN,

8 Plaintiff,

9 v.

10 DOLLAR TREE STORES INC., et al.,

11 Defendants.

C17-1066 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Plaintiff's motion to compel, docket no. 14 (the "Motion"), is GRANTED
15 in part and DENIED in part. Defendant Dollar Tree Stores, Inc. ("Dollar Tree") has not
16 met its burden of showing that, at any time prior to the filing of this lawsuit, it reasonably
17 anticipated that litigation would commence. *Henderson v. Metro. Prop. and Cas. Ins.*
18 *Co.*, No. C09-1723RAJ, 2010 WL 5394912, at *1-2 (W.D. Wash. Dec. 22, 2010);
19 *Bronsink v. Allied Prop. & Cas. Ins.*, No. 09-751 MJP, 2010 WL 786016, at *2-3 (W.D.
20 Wash. Mar. 4, 2010); *Heath v. F/V Zolotoi*, 221 F.R.D. 545, 549-50 (W.D. Wash. 2004).
21 Dollar Tree is DIRECTED to produce, on or before February 16, 2018, all portions of the
22 claim file dated before this lawsuit commenced on June 19, 2017, and previously
23 withheld on the basis of the work-product doctrine. Plaintiff's request to compel the
production of the attorney-client privileged entries in the claim file is DENIED without
prejudice. Dollar Tree is DIRECTED to file with the Court, on or before February 16,
2018, a revised privilege log identifying, at a minimum: 1) the attorney and client
involved in each communication; 2) the date and nature of each communication; and
3) all persons or entities known to have been furnished each communication or otherwise
learned about its substance. *See* Fed. R. Civ. P. 26(b)(5). After reviewing the revised
privilege log and conferring with Dollar Tree, if a dispute remains as to any claim file
entry withheld on the basis of attorney-client privilege, Plaintiff may renew its motion to
compel consistent with this Minute Order. Plaintiff's request for reasonable expenses

1 incurred in bringing the Motion is GRANTED. The Court accordingly awards Plaintiff
2 attorney's fees of \$250.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

5 Dated this 7th day of February, 2018.

6 William M. McCool
7 Clerk

8 s/Karen Dews
9 Deputy Clerk